

## AGENDA ITEM NO 7

**TITLE: ACTION TAKEN BY THE HEAD OF ENVIRONMENTAL SERVICES ON THE GROUNDS OF URGENCY – MEDICALS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Committee: Licensing Committee

Date: 16 May 2012

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[L375]

### 1.0 ISSUE

1.1 To note the action taken by the Head of Environmental Services in consultation with the Chairman of the Licensing Committee on the grounds of urgency regarding reimbursement to Hackney Carriage and Private Hire drivers who have undergone a medical test, as directed by the Council, when during 2011 they have reached 45 or 50 years of age.

### 2.0 RECOMMENDATION

2.1 That the Licensing Committee notes the report.

### 3.0 BACKGROUND/OPTIONS

3.1 On the 8 December 2010 the previous Chairman of the Licensing Committee agreed to revise Condition 19 (Medical Evidence) by way of delegated decision in line with National DVLA Group 2 medical check frequencies for licensed Hackney Carriage and Private Hire drivers, reducing the age limit for a medical to 45 years, 5 yearly until the age of 65 years and annually thereafter - in line with the revised "fitness to drive" a guide for health professionals. This decision was presented to the Licensing Committee as an information item on 12 January 2011.

3.2 The revised Condition 19 was implemented during 2011 with 9 drivers being requested to undergo Group 2 medical checks when they reached the age of 45/50 years.

3.3 The Hackney Carriage and Private Hire trade and NPH Association have informed officers that the Council failed to notify the Hackney Carriage and Private Hire drivers of the change to Condition 19, applied this to the Licence before it was a condition, and did not notify this as a pre-application requirement for those who had turned 45/50 years since the decision taken in December 2010. Therefore, Hackney Carriage and Private Hire drivers who were required by the Council to undergo medicals, without the condition being applied to their Licence should be reimbursed the cost of the medical.

3.4 Subsequently the Head of Environmental Services has exercised her delegated authority on an emergency basis. In accordance with Paragraph 5.1 of the Terms of Reference for Licensing Committee, the Head of Environmental Services in consultation with the Chairman of the Licensing Committee, and having notified the Liberal Democrat Spokesperson of the action taken, agreed that Hackney Carriage and Private Hire drivers who have undergone a medical test, as directed by the Council, when they reached 45 or 50 years of age during 2011, without this being a condition on their licence, would be reimbursed.

3.5 For Members information notification of this pre-requirement/condition has now been circulated to the trade. Therefore the pre-requirement/condition will be applied under the terms of the Blue Book as now applicable as licences are issued or renewed.

#### 4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 The cost of re-imburement to all affected Hackney Carriage and Private Hire drivers is approximately £800.

4.2 Equality Impact Assessment (INRA) is not required.

#### 5.0 APPENDICES

5.1 None.

#### **Background Documents**

#### **Location**

#### **Contact Officer**

East Cambridgeshire District  
Council Constitution: Part 3,  
Pages 37-38

Room SF201  
The Grange  
Ely

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